

EXHIBIT 2

AFFIDAVIT OF AHMED YOUSSEF

STATE OF TEXAS
COUNTY OF DALLAS

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EXA

BEFORE ME, the undersigned notary public, on this day personally appeared AHMED YOUSSEF, who after being by me duly sworn, on his oath deposed and said that the statements made herein are within his personal knowledge and are true and correct.

“My name is Ahmed Youssef. I am over the age of eighteen years, am of sound mind, and competent to make the statements contained herein. The statements contained herein are within my personal knowledge and are true and correct.

I am the plaintiff in this matter. I have filed this suit to determine certain rights in dispute after receiving a demand letter from defendant Freddie Jackson. A copy of the demand letter is attached to this affidavit as *Exhibit 1*. The demand letter threatens action against me for selling items bearing a mark I have been using for years.

Attached as *Exhibit 2* is a photo of hats/ caps bearing a trademark I have used on clothing for sale since 2007 here in Texas. I, along with two of my business associates created the mark in late 2006 or 2007. The primary designer was my associate Arturo Sanchez. We call the mark the Triple D logo, as “Triple D” is the well known nickname for the City of Dallas. There is no dispute that the term “Triple D” means Dallas. All you have to say is “Triple D” and practically anybody in our targeted purchasing public knows and understands that you are talking about Dallas, Texas. In the urban/ hip-hop culture throughout the U.S., the “Triple D” stands for “Dirty Dirty Dallas” or “Da Dirty Dallas.”

I refer to my mark as the Triple D “Leaning Star” mark, as the mark is made up of three (3) Ds with rounded edges, and a tilted or leaning star in the center. The tilted star is designed to give the mark a relaxed swagger. I feel it makes the mark stand out.

I began using the mark on t-shirts which I sold in early 2007. The first shirts I sold with my mark were made by hand screening. Later, as the shirts kept selling, I began to have the shirts manufactured in larger numbers. The earliest invoice that I am able to find for the manufacture of t-shirts bearing my mark is attached to this affidavit as *Exhibit 3*. The July 23, 2007 Mad Ink Invoice reference to “D Tour compilation on back” is a reference to the inclusion of the leaning star Triple D mark. The shirts were sold on what we called the “D Tour.” We sold the shirts in Texas, Louisiana, Mississippi, Georgia, Oklahoma and Arkansas. I have continuously used my Leaning Star Triple D mark on clothing which I have sold since that time. The clothing items bearing the mark I have sold since that time include hats/ caps, t-shirts, jerseys, jackets, shorts and various athletic uniforms.

I have used my mark in the ordinary course of trade, and the Leaning Star Triple D has always been displayed in a prominent manner on t-shirts, caps, jerseys, jackets and other athletic apparel continuously sold by me since I started using the mark. Since I started using my mark in commerce in 2007, I have sold and/ or transported in commerce the described athletic apparel bearing my mark throughout the United States. These states include Texas, Louisiana, Mississippi, Georgia, Oklahoma Arkansas, Ohio, New York, New Jersey and California. Internationally, I have sold and/ or transported in commerce the described goods bearing my mark to Australia and a military base in Iraq.

As my business grew, I became known as the guy with the "Triple D Gear." I worked diligently on a full-time basis to develop this reputation and goodwill. I would sell t-shirts, caps and the other described apparel bearing my leaning star Triple D mark at the hottest hip-hop night clubs, neighborhood retail stores all around the Dallas/ Fort Worth metroplex, selling and advertising personally to club DJs, special events, car shows, and radio station promotions. I am the sponsor of the "Kixpo" which is a trade show for athletic/ tennis shoes held at the Dallas Cowboys Stadium where my goods are sold. I am a sponsor for events at the Lone Star Horse Race Park/ Alliance Skate Park at which my goods are also sold.

The primary target market for my goods and brand is teenage through 20s, hip-hop/ urban culture minded individuals familiar with Dallas Texas. My goods are available at major shopping malls in Dallas Fort Worth area. I have advertised and sold product at numerous trade shows throughout the United States. I have advertised by printed fliers, store displays, social media, and have even had a promo-van wrapped with my mark. I have since started Triple D Gear, LLC and sell my goods on the internet as tripleddgear.com.

When I sought to register my mark as a trademark, I was refused registration because Freddie Jackson had already registered his slightly different mark. Mr. Jackson's registered mark (which is included at the top of his demand letter) is different than mine. The triple Ds in his mark are exactly the same as the lettering for the City of Dallas famous logo. Also, his mark has the standard Texas Lone Star.

After being refused trademark registration due to Jackson's mark, I went to Jackson's website "tripleddclothingco.com". I was shocked to see that Freddy Jackson was using my mark with the leaning star on his website. I have attached a copy of that website page which I printed on June 25, 2012 as *Exhibit 4*. I also attached as *Exhibit 5*, pages I printed from Jackson's website the same day, in which he discusses that the term "Triple D" refers to the nickname for Dallas (Dirty Dirty Dallas). Coincidentally, Jackson's site now says, "Under Construction." See *Exhibit 6*.

After failed attempts to communicate with Mr. Jackson, I filed an action to cancel his registered trademark on July 9, 2012. In that petition, it was clearly stated that I have been using my mark since 2007. Mr. Jackson filed his Answer to the action on August 21, 2012.

In retaliation for my asserting my prior use rights, Mr. Jackson has interfered with several of my business relationships by sending out Cease and Desist letters to stores carrying my Triple D Gear products. Jackson sent letters to DK Fashion (Dallas, TX), Shiekh Shoes (Dallas, TX), Designers (Mesquite, TX), Fame (Frisco, TX) and others.


Jackson's letters to the stores also accuse me of providing the stores with "counterfeit" goods. That statement is false. I have never claimed to be selling Jackson's goods, and I do not use his mark. He did not say "similar", he said "counterfeit." Such actions cause damage to my mark and my business goodwill which can not be repaired. My resale to these stores has been reduced. My profit from resales to these stores has been reduced \$12,500.00 as none of the stores have re-ordered due to Jackson's letters. The Cease & Desist letter Jackson sent to me also seeks to have me stop the trademark cancellation proceeding, which appears to be his true motivation.

Further Affiant Sayeth Not.



AHMED YOUSSEF

SUBSCRIBED AND SWORN TO BEFORE ME on this 11th day of April 2013, to certify which, witness my hand and official seal.



Notary Public - State of Texas

My Commission Expires:

